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January 28, 2015

The Honorable Lamar Alexander
Chair
United States Senate
Health, Education, Labor and Pensions
Committee
Washington, DC 20510

The Honorable Patty Murray
Ranking Member
United States Senate
Health, Education, Labor and Pensions
Committee
Washington, DC 20510

President
Jay Bulot
Georgia

The Honorable Richard Burr
Chair
Subcommittee on Primary Health and
Aging
Washington, DC 20510

The Honorable Bernard Sanders
Ranking Member
Subcommittee on Primary Health and
Aging
Washington, DC 20510

Vice President
Gary Jessee
Texas

Secretary
James Rothrock
Virginia

Treasurer
Lora Connolly
California

Past President
Lance Robertson
Oklahoma

Dear Senators Alexander, Murray, Burr, and Sanders:

On behalf of the National Association of States United for Aging and Disabilities (NASUAD), I am writing to you to express our support for the Older Americans Act Reauthorization (S. 192). NASUAD represents the 56 officially designated state and territorial agencies on aging and disabilities. Each of our members oversees the implementation of the Older Americans Act (OAA), and many also serve as the operating agency in their state for Medicaid waivers that serve older adults and individuals with disabilities. Together with our members, we work to design, improve, and sustain state systems delivering home and community based services and supports for people who are older or have a disability, and their caregivers.

We applaud your leadership, and thank the Senate HELP committee members and staff, for introducing this bill and demonstrating a commitment to passing the reauthorization. NASUAD members believe that the OAA is a vital component of our nation's long-term services and supports system, and is essential in supporting our nation's seniors. We thank you for the bipartisan approach to this legislation,

and hope that Congress will reauthorize the Older Americans Act as soon as possible.

NASUAD is supportive of many provisions in the legislation, including those which seek to modernize the OAA to reflect the current and future realities of the Aging Network. In particular, we support the language that amends the Act to promote state flexibility, person-centeredness, and cultural and linguistic competence in the administration and delivery of OAA services. In addition, we believe those provisions that would improve the economic security of older adults; strengthen care coordination efforts; protect seniors from abuse, neglect, and exploitation; enhance the efficacy of evidence-based programs; and modernize senior centers would help build the capacity of the Network to meet the needs of a growing, and increasingly diverse, population. Finally, we strongly support efforts to improve the coordination and integration between aging and disability services within ADRCs and other delivery mechanisms.

Although NASUAD takes no position on the funding formula changes included within S. 192, we would like to stress that the overall appropriations for programs within OAA should be increased to adequately fund our nation's need. OAA funding has been severely impacted by the Budget Control Act and sequestration at a time when an increasing number of individuals are becoming eligible for covered services. We strongly believe that Congress should make the necessary investments to restore OAA funding and to account for increased service demands.

In addition to the need for adequate funding, we believe that there are opportunities to improve this legislation, including the following issues:

- Modernize funding for Title III nutrition services to remove the arbitrary allocations for congregate and home-delivered meals. Instead, there should be a single allocation for all nutrition services, and states should have the flexibility to allocate resources based upon the needs and preferences of individuals who use the program;
- Provide authorization for ongoing mandatory Aging and Disability Resource Centers funding that expired in FFY 14. The OAA reauthorization recognizes the important role of ADRCs in our nation's Long Term Services and Supports (LTSS) system, and includes improvements to ensure that individuals with disabilities are able to access these important services. However, due to the expiration of \$10 million of mandatory expenditures authorized in the Affordable Care Act, ADRCs will be expected to do more for seniors and people with disabilities while receiving

significantly less funding. The HELP and Finance committees should collaborate to continue this crucial funding source;

- Allow states to establish their own mandates for adult protective services referrals in the Long-Term Care Ombudsmen program. Under the Administration for Community Living's (ACL) proposed Ombudsmen regulation, and longstanding ACL interpretation of the OAA language, states are prohibited from including Ombudsmen as mandatory reporters for abuse, neglect, and exploitation, even in times of crisis. We believe that states should be allowed, but not required, to establish their own laws that enable them to improve safeguards for individuals in LTSS settings while maintaining the independent role of the Ombudsmen.
- Move the Senior Community Services Employment Program (SCSEP) from the Department of Labor to the Administration for Community Living.. This move would enable ACL to align SCSEP services within the broader array of community supports, and better coordinate the SCSEP program with State Agencies on Aging; and
- Remove the Area Agency on Aging (AAA) first right of refusal policy. Currently the OAA provides that when a state restructures area agencies on aging that local governments must be given a chance to be aAAA before the state consolidates or goes to a nonprofit. This provision not only takes a lot of power away from states when trying to transform and modernize the aging network but also places reliance on an organization that may or may not have the background, resources, experience or knowledge to undertake such an operation.

While we believe that these policy changes are extremely important, we also believe that the OAA reauthorization is crucial and should not be delayed. Therefore, we support the prompt passage of S. 192. We will continue to work with you and your counterparts in the House on improvements to the OAA during this process and future legislation. If you have any questions, please feel free to contact Damon Terzaghi or Kelsey Walter of my staff at (202) 898-2578.

Sincerely,



Martha Roherty
Executive Director
NASUAD



